



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Agenda CITY COUNCIL

*R. Steve Tumlin, Mayor*  
*Annette Paige Lewis, Ward 1*  
*Griffin "Grif" L. Chalfant, Jr., Ward 2*  
*Johnny Sinclair, Ward 3*  
*Irvan A. "Van" Pearlberg, Ward 4*  
*Rev. Anthony C. Coleman, Ward 5*  
*James W. King, Ward 6*  
*Philip M. Goldstein, Ward 7*

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Wednesday, January 11, 2012

7:00 PM

Council Chamber

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### CALL TO ORDER:

### INVOCATION:

*Council Member Grif Chalfant, Ward 2*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

### PROCLAMATIONS:

### ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:

### SCHEDULED APPEARANCES:

### UNSCHEDULED APPEARANCES:

### CONSENT AGENDA:

Consent agenda items are marked by an asterisk (\*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

### MINUTES:

\*      **20111171      Regular Meeting - December 14, 2011**

Review and approval of the December 14, 2011 regular meeting minutes.

\*      **20111172      Special Meeting - December 16, 2011**

Review and approval of the December 16, 2011 special called meeting.

**MAYOR'S APPOINTMENTS:**

\*      **20120015      Municipal Judge**

Reappointment of Roger J. Rozen as the Marietta Municipal Chief Judge.

\*      **20120016      Municipal Associate Judges**

Reappointment of the following Municipal Associate Judges:

Lawrence E. Burke  
Phyllis Gingrey Collins  
Mazi Mazloom  
John Storey Morgan  
Robert F. Schnatmeir  
Melinda Taylor  
Nathan Wade  
Steve Yaklin

\*      **20120017      Municipal Associate Judge**

Appointment of the following Municipal Associate Judge:  
Robert J. Grayson

**MAYOR'S APPOINTMENTS WITH THE CONSENT OF COUNCIL:**

\*      **20120001      Mayor Pro tem**

Appointment of Grif Chalfant as Mayor Pro tem for a term of one year expiring on January 9, 2013.

\*      **20120002      Presiding Officer**

Appointment of Philip M. Goldstein as Presiding Officer for a term of one year expiring on January 9, 2013.

\*     **20120003     Economic/Community Development Committee**

Appointment of the Economic/Community Development Committee: Griffin Lee Chalfant, Jr., as Chairman, John V. Sinclair and Rev. Anthony Coleman for a term of one year expiring on January 9, 2013.

\*     **20120004     Finance/Investments Committee**

Appointment of the Finance/Investments Committee: Annette Paige Lewis as Chairman, James W. King and Philip M. Goldstein for a term of one year expiring on January 9, 2013.

\*     **20120005     Judicial/Legislative Committee**

Appointment of the Judicial/Legislative Committee: Philip M. Goldstein as Chairman, James W. King and Ivan Alan Pearlberg for a term of one year expiring on January 9, 2013.

\*     **20120006     Parks, Recreation & Tourism Committee**

Appointment of the Parks, Recreation and Tourism Committee: John V. Sinclair as Chairman, Annette Paige Lewis and Rev. Anthony Coleman for a term of one year expiring on January 9, 2013.

\*     **20120007     Personnel/Insurance Committee**

Appointment of the Personnel/Insurance Committee: Ivan Alan Pearlberg as Chairman, Philip M. Goldstein and Griffin Lee Chalfant, Jr. for a term of one year expiring on January 9, 2013.

\*     **20120008     Public Safety Committee**

Appointment of the Public Safety Committee: Rev. Anthony Coleman as Chairman, Ivan Alan Pearlberg and John V. Sinclair for a term of one year expiring on January 9, 2013.

\*     **20120009     Public Works Committee**

Appointment of the Public Works Committee: James W. King as Chairman, Griffin Lee Chalfant, Jr., and Annette Paige Lewis for a term of one year expiring on January 9, 2013.

\*      **20120018      City Solicitor**

Appointment of Robert I. Donovan as the City Solicitor to serve at the pleasure of and upon the concurrence of the Mayor and a majority of City Council.

\*      **20120019      Associate City Solicitors**

Reappointment of the following Associate City Solicitors to serve at the pleasure of and upon the concurrence of the Mayor and a majority of City Council:

Steve Cook  
Susan M. Miller  
Michael B Syrop  
Keith M. Olmert  
Carmen Porreca  
Thomas Griner  
Jason Treadway  
Latonia Patrice Hines

\*      **20120010      BLW Council Representative**

Appointment of James W. King as the Board of Lights and Water (BLW) representative for a term of one year expiring on January 9, 2013.

\*      **20120011      Marietta Board of Education Council Liaison**

Appointment of Annette Paige Lewis as the Marietta Board of Education liaison for a one year term expiring on January 9, 2013.

\*      **20120012      Marietta Housing Authority Council Liaison**

Appointment of Rev. Anthony Coleman as the Marietta Housing Authority liaison for a term of one year expiring on January 9, 2013.

**CITY COUNCIL APPOINTMENTS:**

\*      **20111164      Historic Board of Review Appointment**

Appointment of Terry G. Lee to the Marietta Historic Board of Review (Ward 5) for a one year term beginning immediately and expiring January 2, 2013.

\*      **20111165      Historic Preservation Commission Appointment**

Appointment of Thomas Browning to the Historic Preservation Commission (Ward 5) for a three year term beginning immediately and expiring January 11, 2015.

\*      **20120013      Cobb Housing, Inc. (CHI)**

Appointment of Annette Lewis to the Cobb Housing, Inc. (CHI) Board of Directors for a one year term expiring on January 9, 2013.

\*      **20111135      Cobb Municipal Association (CMA) 2012 Delegates**

Appointment of Johnny Sinclair and Philip M. Goldstein as the 2012 voting delegates for the Cobb Municipal Association (CMA) business meetings.

**ORDINANCES:**

**RESOLUTIONS:**

**CITY ATTORNEY'S REPORT:**

**CITY MANAGER'S REPORT:**

**MAYOR'S REPORT:**

**COMMITTEE REPORTS:**

**1. Economic/Community Development: Grif Chalfant, Chairperson**

**2. Finance/Investment: Annette Lewis, Chairperson**

\*      **20111134      National League of Cities (NLC)**

Motion approving attendance for Mayor and Council members who wish to attend the National League of Cities (NLC) Congressional City Conference in Washington, DC, March 10-12, 2012.

\*      **20111145      Acceptance of HEAT grant from the State of Georgia**

Approval of an Ordinance amending the Fiscal Year 2012 General Fund Budget to receive and appropriate a grant from the Governor's Office of Highway Safety to maintain a HEAT (DUI) unit.

**3. Judicial/Legislative: Philip M. Goldstein, Chairperson****4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson****20111190      Easement agreement with the Municipal Electric Authority of Georgia (MEAG) for Custer Park**

Motion approving an Easement Agreement with MEAG for utility lines crossing Custer Park as required by North American Electric Reliability Corporation (NERC) regulations.

**20111191      Easement agreement with Georgia Power for Custer Park**

Motion approving Easement Agreement with Georgia Power for utility lines crossing Custer Park as required by North American Electric Reliability Corporation (NERC) regulations.

**5. Personnel/Insurance: Van Pearlberg, Chairperson****6. Public Safety Committee: Anthony Coleman, Chairperson****7. Public Works Committee: Jim King, Chairperson****\*      20111068      Amending City Ordinance, Streets and Sidewalks**

Approval of revisions to City Code Ordinance, Section 5-4, City Streets and Sidewalks.

**\*      20111152      Zayo Fiber Solutions Overhead Utilities**

Motion approving variance from the underground utility ordinance, 5-4-160, for utility work shown on the following permit request:

2011-79 for Zayo Fiber Solutions to overlash existing fiber along Maple Avenue, Holland Street, Kennesaw Avenue, Roselane Street, Radium Street, Church Street, Hillside Avenue, Campbell Hill Street, Freyer Drive, Cherokee Street, Sessions Street and Allgood Road.

\*      **20120041      Zayo Fiber Solutions Overhead Utilities**

Motion approving variance from the underground utility ordinance, 5-4-160, for utility work shown on the following permit requests:

1. 2011-74 for Zayo Fiber Solutions to install new overhead service along Franklin Drive on existing poles to supply a cell tower.
2. 2011-75 for Zayo Fiber Solutions to install new overhead service on Fairgate Road on existing poles to supply a cell tower.

*Council Member Goldstein voting against*

\*      **20120040      1018, 1024 and 1032 Roswell Street**

Motion authorizing the revision of the condemnation of property of the estate of Marcello Reyes (Marcelo Reyes) at 1018, 1024 and 1032 Roswell Street for the Roswell Street Improvements project as per the new attached Right of Way sketch.

**APPEARANCES:**

**OTHER BUSINESS:**

**20110982      V2011-33 [Variance] Traton Homes (Rockford Township) Land Lots 00360, 00370, and 00380, District 19.**

Motion to approve the following variances for property located in Land Lots 00360, 00370, and 00380, District 19 being known as Rockford Township. Variance to reduce required tree density from 692.5 units to 519.6 units [Section 712.08 (D) (4)]; variance to provide two 3" trees in the front yard of each lot in lieu of the requirements for planted border areas listed under Table G-1. [Section 712.08 (G) (2) (a)].

Mayor Tumlin disclosed that in 2009 political contributions were reported from Traton and its principals in the aggregate of over \$250. Also, Smith, Tumlin, McCurley & Patrick, P.C., represented Mr. John Elliott in the sale and separation of the Smith Manning property.

Council member Sinclair disclosed that in 2009 he received a political contribution of greater than \$250 from Mr. Bill Poston of Traton Corporation. Also, he sold Mr. Will Etheredge, the neighboring property owner at the Smith Manning House, his house. In addition, he was the listing agent at Rockford for Mr. John Elliott, the previous owner, in his capacity as a Realtor at Harry Norman Realtors, but the project went bankrupt before they sold anything.

*This item was tabled at the November 7, 2011 City Council Meeting.*

*Council Member Chalfant requested at the Monday, December 12, 2011 Agenda Work Session that the council table this item until the January 11, 2012 City Council Meeting.*

**\*      20110986      Precinct Polling Place Amendment**

Motion to approve a permanent polling place change for Ward 4 from the Grace Community Church to World Changers Church International, 601 Tower Road, Marietta, GA 30060 to coincide with the change adopted by the Cobb County Board of Election and Registration.

**\*      20111173      BLW Actions of January 9, 2012**

Review and approval of the January 9, 2012 actions and minutes of the Marietta Board of Lights and Water.

**UNSCHEDULED APPEARANCES:**

**ADJOURNMENT:**